

Significant Legislative Rule Analysis
WAC 246-824-220
Retention of eyeglass and contact lens records
A Dispensing Optician Regulation
May 6, 2014

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The current rule requires dispensing opticians to retain their patient's contact lens records for a minimum of five years. The rule does not, however, require dispensing opticians to retain their patient's eyeglass records.

The proposed rule requires dispensing opticians to maintain a copy of their patient's original eyeglass prescriptions, and a copy, of the refractive powers obtained when neutralizing a lens for duplication and the date the lens was neutralized for a period of five years. Maintenance of eyeglass prescription records is vital for the continuity of care of patients. Patients will be able to verify a prescription when ordering additional prescription eyeglasses or prescription sunglasses.

The title of the rule should be changed to reflect retention of records related to both contact lens and eyeglasses.

Is a Significant Analysis required for this rule?

Yes, as defined in RCW 34.05.328 the proposed rule requires a significant analysis be prepared.

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

RCW 18.130.050(14) States that the disciplining authority has the authority to adopt standards of professional conduct or practice. The purpose the statute is to allow the secretary to adopt rules that set forth specific requirements which will protect the public through clearly stated standards of practice.

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

Eyeglass prescription information along with information related to neutralization of eyeglass lenses needed to duplicate lenses is vital for the continuity of care of patients. Without the proposed rule, prescription and duplication information may not be available when needed by the

client or the client's health care provider. This could result in a client needing to obtain an additional eye examination at their expense and a delay in receiving the needed replacement pair of eyeglasses.

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

Dispensing opticians are already required to keep contact lens information for five years. The proposed rule would only increase the number of patient file records created, whether paper or electronic. The costs of maintaining the files; and cost of disposal at the end of five years (in a manner that protects confidential patient information) is nominal. The benefit of the rule is that patient's will have access to their prescription information, which they will need if they want to get new glasses. Since the optician's costs to comply with this proposed rule are negligible, the probable benefits for patient continuity of care would be greater than the probable costs.

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

One alternative was to not amend this rule, which leaves an inconsistent recordkeeping requirement between contact lens and eyeglasses. While not the least burdensome, the proposed rule would make recordkeeping consistent and provide patients access to their own eyeglass prescription records, saving them time and cost to replace glasses during the period when the prescription is still valid.

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The proposed rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The proposed rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The proposed rule does not differ from any federal regulation or statute applicable to the same activity or subject matter.

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The proposed rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.